

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

CARL BENNETT,

Plaintiff,

Case No. 15-cv-14465  
Hon. Matthew F. Leitman

v.

MICHIGAN DEPT. OF CORRECTIONS,  
ET AL.,

Defendants.

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**ORDER (1) DENYING JACKSON ALLEGIANCE HOSPITAL'S MOTION  
TO DISMISS (ECF #18) AND (2) DENYING MICHIGAN DEPARTMENT  
OF CORRECTIONS' MOTION TO DISMISS (ECF #27)**

On December 24, 2015, Plaintiff Carl Bennet, a prison inmate in the custody of the Michigan Department of Corrections (“MDOC”), filed a *pro se* civil complaint in this Court. On June 30, 2016 and September 16, 2016 respectively, Defendant Jackson Allegiance Hospital and Defendant MDOC filed motions to dismiss (the “Motions”) (ECF ## 18, 27).

On December 05, 2016, the assigned Magistrate Judge issued a report and recommendation (the “R&R”) in which he recommended that the Court deny the Motions as moot. (*See* ECF #36 at 1, Pg. ID 301.)

At the conclusion of the R&R, the Magistrate Judge instructed the parties that “[a]ny objections to the [R&R] must be filed within fourteen (14) days of service.”

(*Id.* at 2, Pg. ID 302.) The parties were also told that the “[f]ailure to file specific objections constitutes a waiver of any further right of appeal.” (*Id.*)

Jackson and MDOC have not filed any objections to the R&R. As the Magistrate Judge informed the parties, the failure to file an objection to a report and recommendation waives any further right to appeal. *See Howard v. Sec'y of Health and Human Servs.*, 932 F.2d 505 (6th Cir. 1991); *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object releases the Court from its duty to independently review the matter. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985). The Court has nevertheless reviewed the R&R and agrees with the findings and conclusions of the Magistrate Judge.

Therefore, **IT IS HEREBY ORDERED** that the Magistrate Judge’s recommendation to deny the Motions is **ADOPTED**.

**IT IS FURTHER ORDERED** that (1) Defendant Jackson Allegiance Hospital’s motion to dismiss (ECF #18) is **DENIED** and (2) Defendant MDOC’s motion to dismiss (ECF #27) is **DENIED**.

Dated: January 20, 2017

s/Matthew F. Leitman  
 MATTHEW F. LEITMAN  
 UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on January 20, 2017, by electronic means and/or ordinary mail.

s/Holly A. Monda

Case Manager

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